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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPHINE SMITH, et al.,
Plaintiffs,
vs.
CITY OF SANTA CLARA, et al.,
Defendants.

Case No. C 11-03999 LHK

**STIPULATION AND ~~PROPOSED~~
ORDER TO FILE SECOND AMENDED
COMPLAINT**

STIPULATION

THE PARTIES TO THIS ACTION HEREBY STIPULATE AS FOLLOWS:

1. The parties agree that plaintiffs, JOSEPHINE SMITH and A.S., shall file their Second Amended Complaint upon the Court's execution of the order herewith. Attached as Exhibit A is a true and correct copy of plaintiffs' Second Amended Complaint. Defendants do not oppose plaintiffs' request to file the attached Second Amended Complaint.

2. The Second Amended Complaint is identical to the First Amended Complaint, except that it adds plaintiff A.S. to the twelfth cause of action for intentional infliction of emotional distress. The only purpose of the amendment is to correct the inadvertent omission of A.S. from the twelfth cause of action. All previous court orders and stipulations concerning the

causes of action in the First Amended Complaint shall apply to the Second Amended Complaint, once filed. In making this stipulation, no party waives the right to appeal any such court order.

3. Defendants' respective Answers to the First Amended Complaint shall be deemed their Answers to the Second Amended Complaint. No further response need be filed.

IT IS SO STIPULATED.

[In accordance with Civil Local Rule 5-1.i.3, Christine Peek, counsel for plaintiffs attests that concurrence in the filing of the document has been obtained from each of the other signatories, which shall serve in lieu of their signatures on this document.]

DATED: February 22, 2013

McMANIS FAULKNER

/s/ Christine Peek

CHRISTINE PEEK
Attorneys for Plaintiffs

DATED: February 22, 2013

RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK

/s/ Michael C. Serverian

MICHAEL C. SERVERIAN

Attorneys for Defendants,
CITY OF SANTA CLARA, CITY OF SANTA
CLARA POLICE DEPARTMENT
DETECTIVE KENNETH HENDERSON, and
SERGEANT GREG HILL

DATED: February 22, 2013

DAVIS & YOUNG, APLC

/s/ Mark E. Davis

MARK E. DAVIS
ADAM J. DAVIS
ERIC BENGTON

Attorneys for Defendant,
CLAY ROJAS

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 25, 2013


THE HONORABLE LUCY KOH
United States District Judge